



NEW YORK
REGIONAL OFFICE

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
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NEW YORK, NY 10004-2616

August 26, 2022

VIA ECF

Hon. Analisa Torres
United States District Judge
Southern District of New York

Re: SEC v. Ripple Labs, Inc. et al., No. 20-cv-10832 (AT) (SN) (S.D.N.Y.)

Dear Judge Torres:

Pursuant to the Court's August 9, 2022 Order (D.E. 586), Plaintiff Securities and Exchange Commission ("SEC") respectfully submits its response to Defendants' sealing motion (D.E. 601). Defendants seek permission to file under seal the following 3 categories of information submitted by the parties in opposition to the motions to exclude expert testimony: (1) identities of non-parties; (2) identities of certain Ripple employees; and (3) personal financial information for a Ripple employee. Defendants premise their motion on the proposition that the applicable standard for sealing is lower for *Daubert* motions than for dispositive motions. D.E. 601 at 1 (citing *Brown v. Maxwell*, 929 F.3d 41, 50 (2d Cir. 2019)).

Based on Defendants' representation, that they consider the standards for sealing *Daubert* motions to be different than for summary judgment motions, the SEC does not oppose Defendants' motion. In doing so, the SEC does not concede that the above categories of information should properly be sealed for summary judgment briefing, and reserves its rights to oppose similar sealing requests for summary judgment.

Respectfully submitted,

/s/ Benjamin Hanauer
Benjamin Hanauer

cc: Counsel for All Defendants (*via* ECF)